

**Summary of the Plenary Group Meeting  
Oroville Facilities Relicensing (FERC Project No. 2100)  
April 23, 2002**

The Department of Water Resources (DWR) hosted the Plenary Group Meeting on April 23, 2002 in Oroville.

A summary of the discussions, decisions made, and action items is provided below. This summary is not intended to be a transcript, analysis of the meeting, or to indicate agreement or disagreement with any of the items summarized, except where expressly stated. The intent is to present an informational summary for interested parties who could not attend the meeting. The following documents are provided:

Attachment 1	Meeting Agenda
Attachment 2	Meeting Attendees
Attachment 3	Flip Chart Notes
Attachment 4	Process Update
Attachment 5	Studies Status Matrix
Attachment 6	Draft Interim Settlement Agreement for Riverbend Park Improvements
Attachment 7	Study Implementation Process PowerPoint Presentation

### **Introduction**

Attendees were welcomed to the Plenary Group meeting. The participants introduced themselves and the meeting objectives were identified. The meeting agenda and list of meeting attendees and their affiliations are appended to this summary as Attachments 1 and 2 respectively. Flip chart notes are included as Attachment 3.

### **Process Updates**

#### *Where We Are in the Process*

Len Marino, DWR reviewed the overall project schedule. The tentative release date for the Study Plans is scheduled for June 2002. Len mentioned that the main goal for the Plenary Group meetings for the next couple of months is to secure a consensus-backed Study Plan package. He explained how the approved critical path studies are being implemented. His presentation is included as Attachment 4.

#### *Work Group Abstracts*

The work group abstracts were distributed as an attachment to the agenda for review.

#### *Cumulative Impacts Approach/ESA Task Force Update*

Steve Ford, Resource Area Manager for the Environmental Work Group gave an update on the Cumulative Impacts Approach/ESA Task Force. The Task Force has met twice focusing on Cumulative Impacts and NEPA and Steve reported that they are pretty close to agreement on a guidance document. The next meeting will focus on the ESA approach. The Environmental Work Group and other Resource Area Managers will receive the draft guidance document and can comment on the guidance document. The next meeting will be held Monday, April 29 at 12:30 pm.

Eric Theiss of the National Marine Fisheries Service suggested that there had been significant progress on F-9 and asked for approval with the global language, but with directions to the Environmental Work Group and Fisheries Task Force to keep working on it. This would allow the group to get F-9 through the Plenary so it can start as soon as possible. He suggested that it shouldn't be approved today because he is worried that his concerns won't be able to be included before the next Plenary Group Meeting. Steve Ford explained that F9 would be discussed at the next Environmental meetings and will be up for approval at the May Plenary Group meeting.

Vincent Wong of the Zone 7 Water Agency asked about some changes to study plan critical path designations, particularly the removal of studies from the critical path. Steve Ford explained that during study plan development the study authors reviewed the schedules. The Study Plans identified as critical path include time sensitive activities, such as the removal of tags from carcasses.

#### *Modeling Protocol Task Force Update*

Curtis Creel, Operations Resource Area Manager for DWR has been chairing the Modeling Protocol Task Force but was unable to attend the Plenary Group meeting so Rick Ramirez provided an update on Task

Force activities. The Task Force met and walked through a tabletop exercise to test scenarios defining the operations of the modeling activities and the order they will proceed. Those that attended the meeting now have a better understanding of the various model interactions. A revised draft was created and will be distributed to the Modeling Protocol Task Force by May 1. The Task Force also created a list of models to be reviewed by the Task Force. A separate Engineering and Operations Task Force has completed its draft of a model run prioritization protocol, and Curtis intends to blend the two efforts together for a modeling review protocol. If anyone has questions they should send their questions to Curtis Creel at DWR. Roger Masuda asked to be added to the distribution list for the Modeling Protocol Task Force.

### **Resolution of issues for conditionally approved Study Plans**

The Facilitator went over the study plan review process and re-introduced the Studies Status Matrix which is updated on the screen throughout the meeting. The Studies Status Matrix is provided as Attachment 5.

#### ***SP-R13***

Doug Rischbieter, Recreation and Socioeconomics Resource Area Manager for DWR presented the revised version of SP-R13. The group discussed how various special interest groups would be surveyed and agreed that both local and regional special user groups would be surveyed in addition to those that would be encountered on the trails during the on-site survey. Following the discussion, the Plenary Group agreed to approve R13.

#### ***SP-W2***

Steve Ford explained that the Environmental Work Group, responding to a request from the US Fish and Wildlife Service, had added a second sampling site in the Oroville Wildlife Area, agreed to at least six sediment sample analyses and deferring sediment analysis until after results are available for fish tissue and water quality analyses.

#### ***SP-T10***

Steve Ford explained that he needed to confirm with a stakeholder about an outstanding issue and would try to resolve the issue before the end of the meeting. Further discussion with the Author is needed before consideration.

### **Study Plan "Heartburn" Review**

#### ***SP-F2***

Mike Meinz, California Fish and Game stated that he has some editorial comments but no heartburn issues. Eric Theiss stated that he also has some comments on non-heartburn issues. Ron Davis raised a concern about a fish disease currently not included in the study. The Plenary Group agreed to conditionally approve SP-F2, pending Environmental Work Group approval. The Study Plan was placed on the May consent calendar by the Plenary Group.

#### ***SP-F8***

Mike Meinz stated that he has heartburn with the introduction and opposes moving carcasses upstream, but doesn't mind sterile carcasses or nutrients. The participants discussed the appropriate use of past conditions related to the continued effect of nutrient blocking by the Oroville Facilities. Art Angle representing Enterprise Rancheria stated that the Native Americans are looking at impacts of the dam on fish. The participants discussed the differences between activities associated with Oroville Dam construction and how the project is viewed in terms of relicensing. Ward Tabor with DWR stated that it might be difficult to look at impacts that occurred during construction and separate out future impacts. However, part of our obligation to NEPA/CEQA requires a look at cumulative impacts over the course of the dam's construction and operation. The Endangered Species Act covers a bit more, and we have an obligation to look at the project's impact on resources with a broader sense. He added as part of our efforts we are clearly going to be looking at opportunities for the enhancement of resources. Roger Masuda with Butte County stated that we keep looking at the baseline issue, and asked if that is where the heartburn is? Ward replied that we need to look at past, present and future impacts in the context of cumulative effects and we are using the environmental baseline to look at those impacts. The participants discussed the sort of data that should be made available to address the concerns.

Eric Theiss suggested this discussion should be raised the following day at the Environmental Work Group where we can address the issues more directly with the people who can answer the questions. This Study Plan was referred to the Environmental Work Group for further discussion.

#### *SP-F10*

The participants praised the efforts of the Fisheries Task Force and the study plan authors on SP-F9 and were generally very pleased with the study plan with no heartburn issues. SP-F10 was conditionally approved pending Environmental Work Group approval and placed on the May Plenary Consent Calendar.

Steve Ford reported that he expects to have three more fisheries study plans ready for Plenary Group heartburn review at their May meeting.

#### **Interim Settlement Agreement (inform)**

##### *Riverbend Park*

Ward Tabor provided an update on efforts of the Interim Settlement Agreement Task Force and reviewed the final draft of the successfully negotiated agreement. This is the first significant agreement that has reached consensus in the Oroville Collaborative and is an important milestone. Hopefully we have learned some lessons that can be applied to larger negotiations. Ward explained that the park should be well into construction by the time the final license has been approved for the Project. DWR and Feather River Recreation and Parks District are currently negotiating a companion implementation agreement. Once that document is finalized, the two documents will be presented to interested collaborative participants for signature. The final draft Interim Settlement Agreement was available for interested participants and is provided as Attachment 6 to this summary.

#### **Study Plan Implementation Activities**

Rick Ramirez with DWR discussed the objectives for the next year and the process that will follow during Study Plan implementation. He explained that their goals are to get fieldwork completed to provide adequate levels of information, with quality and in a timely manner. He also described the collaborative goal to build a shared understanding of the data developed and work together to develop appropriate protection, mitigation, and enhancement (PM&E) measures. He described the primary vehicle for interaction as the Work Group and Plenary Group meetings, where all concerns should be raised. The Plenary Group participants agreed that any fieldwork observation should be coordinated through the appropriate RAM. Rick's presentation is included within Attachment 7 to this summary.

Bill Mendenhall, Data Management and Technical Services Resource Area Manager for DWR discussed the Uniform Data Management Protocol development process. He described the process of developing study plan data profiles as a first step in getting a handle on the many different types of data used in the studies. One of the goals of the UDMP development team is to provide quality assurance and quality control of data as it is 'warehoused'. He described the process to assure calibration so that data is collected in a consistent manner across multiple studies. Bill led a discussion about data access. The Plenary Group agreed that the data should be accessible through the Work Groups and/or Task Forces and any supplemental data from stakeholders should be introduced through the Work Group or Plenary Group. Bill also described a process to coordinate between studies to better track what information is being produced by or needed by others. Bill's presentation on the Uniform Data Management Protocol is also included within Attachment 7.

#### **Next Steps**

- Upcoming Plenary Group Activities and Decisions

The participants discussed the next Plenary Group meeting time and whether or not attendance is affected by the scheduled meeting time. Since the Environmental Work Group expects to have three more study plans for review by the Plenary Group for their May 21<sup>st</sup> meeting, the facilitator suggested that the meeting would not likely need to be 8 hours. The group agreed to begin at 1:00pm and allow the Facilitator to schedule the meeting duration consistent with the agenda items.

#### **Action Items – March 28, 2002 Plenary Meeting**

A summary of the March 28, 2002 Plenary Group meeting is posted on the relicensing web site. The Facilitator reviewed the status of action items from that meeting as follows:

**Action Item #P91:** Review Model Run Prioritization protocol developed by the Engineering and Operations Work Group.

Status: A draft is currently under review by both the Engineering and Operations Work Group Task Force and the Plenary Modeling Protocol Task Force. Draft protocol will be available by June Plenary Group meeting.

**Action Item #P92:** Follow-up with Mike Bonner on potential coordination desires of the Yuba River/Feather River flood program  
**Status:** After some discussion, the participants agreed that Curtis Creel should maintain informal contact with Mike Bonner in the event his work group develops alternatives that should be evaluated.

**Action Item #P93:** Distribute latest version of SP-R13  
**Status:** Latest version of SP-R13 was distributed.

**Action Item #P94:** Develop draft approach for discussion that addresses quarterly updates, issue repository, access to study plan authors/RAMS and data/report management protocol.  
**Status:** Covered by Rick Ramirez and Bill Mendendall at this meeting.

### **Next Steps**

#### **Next Meeting**

The Plenary Group agreed to meet on:

**Date:** May 21, 2002

**Time:** 1:00 pm – 9:00 pm (or less, depending on agenda)

**Location:** Kelly Ridge Golf Course Meeting Room, 5131 Royal Oaks Drive, Oroville, CA

#### **Action Items**

The following list of action items identified by the Plenary Group includes a description of the action, the participant responsible for the action and item status.

**Action Item # P95:** Outline Future Plenary activities for next 12 months  
**Responsible:** DWR  
**Due Date:** May 21, 2002